



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/207,130 12/08/98 CONRAD

D RA9-98-053

EXAMINER

025299

TM02/0618

IBM CORPORATION

PO BOX 12195

DEPT 9CCA, BLDG 002

RESEARCH TRIANGLE PARK NC 27709

ROBINSON BOYCE A
ART UNIT PAPER NUMBER

2163
DATE MAILED:

06/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

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Office Action Summary

Application No.

09/207,130

Applicant(s)

Conrad, et al.

Examiner

Akiba Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 3, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-10, 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Binkley, et al (US Patent 5,088,033).

As per claims 1, 2, 7, 8, 9, 14, 15, Binkley, et al discloses:

providing an emulation module.../providing an emulation object.../an emulation module.../an emulation object...(Col. 3, lines 34-37);

ensuring that the application will utilize the emulation module.../ensuring that the application will utilize the emulation object.../means for ensuring.../wherein the application is capable of utilizing the emulation module in lieu of the device.../emulating the interaction...(Col. 6, line 66-Col. 7, line 4);

executing the application on the development system independently of the point of sale system.../wherein the application is executed on the system, the emulation module and the application independently of the point of sale.../wherein the application is executed on the

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development system, the emulation module and the application emulate the interaction...(Col. 1, lines 60-62, Col. 1, line 66-Col. 2, line 1, Col. 2, lines 9-19, Col. 7, lines 32-38, [where the examiner is interpreting the “development system” and the “point of sale system” of the present invention to respectively be the “host system” and “target system” of Binkley, et al);

ensuring that the application adequately utilizes the emulation object...(Col. 2, lines 9-13);

modifying the application...(Col. 1, lines 11-14, Col. 2, lines 13-19).

allowing a developer to provide input...(Col. 50, lines 41-43);

providing the input to the application in a form expected...(Col. 51, lines 3-17).

As per claims 3, 10, Binkley, et al discloses:

wherein the application is platform independent...(Col. 58, line 46-Col. 59, line 10).

As per claim 5, 12, Binkley, et al discloses:

wherein the point of sale equipment includes a driver...(Col. 19, line 67-Col. 20, line 6).

As per claim 6, 13, Binkley, et al discloses:

wherein the emulation object emulates the driver and the device...(Col. 19, lines 11-15, Col. 19, line 67-Col. 20, line 6).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binkley, et al (US Patent 5,088,033) as applied to claim 1 above, and further in view of Weber (US Patent 5,812, 668).

As per claims 4, 11, Binkley, et al fails to teach the following, however Weber discloses:

wherein the application is a JAVA application...(Col. 7, lines 15-17).

It would have been obvious to one of ordinary skill in the art to make the application and the emulation object platform independent because in a computer environment, applications are constantly being changed around and depending on these changes and the needs of the user, the platforms will also need to change in order to fit the environment. It would have been obvious to one of ordinary skill in the art to make the application and the emulation object JAVA applications because JAVA is a common, distributed programming language that is simple and is used for object-oriented programming in the application development art.

Response to Arguments

5. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

The new grounds of rejection are discussed above in the preceding paragraphs.

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Conclusion

6. An inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba Robinson-Boyce whose telephone number is (703) 305-1340. The examiner can normally be reached on Monday-Friday from 6:30 AM-3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3988.

An inquiry of a general nature or relating to the status of this application proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Akiba Robinson-Boyce

Patent Examiner

Group Art Unit 2163

June 13, 2001


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100